

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HECTOR CASTILLO, et al.,

Plaintiffs,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT,  
et al.,

Defendants.

Case No.19-cv-02410-NC

**ORDER TO SHOW CAUSE RE:  
APPOINTMENT OF  
GUARDIAN AD LITEM**

In this Americans with Disabilities Act and Section 504 lawsuit, plaintiffs Hector and Margaret Castillo sue on behalf of themselves and their minor child, D.C. *See* Dkt. No. 1 (“Compl.”) ¶¶ 7–9. Before the Castillo’s can proceed, however, Federal Rule of Civil Procedure 17(c)(2) requires the Court to “appoint a guardian ad litem . . . to protect [the] minor or incompetent person who is unrepresented in an action.” *See also* Cal. Civ. Proc. Code § 372(a)(1) (“When a minor . . . is a party, that person shall appear either by a guardian . . . or by a guardian ad litem appointed by the court . . .”).

Thus, the Court ORDERS Plaintiffs to show cause why Rule 17(c) does not apply or, in the alternative, to apply *ex parte* for an order appointing Hector and Margaret Castillo as guardians ad litem for D.C. by **July 10, 2019**. *See Kulya v. City & Cnty. of San Francisco*, No. 06-cv-06539-JSW, 2007 WL 760776, at \*1 (N.D. Cal. Mar. 9, 2007) (“When there is no conflict of interest, the guardian ad litem appointment is usually made on *ex parte* application . . .”).

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**IT IS SO ORDERED.**

Dated: June 25, 2019

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge